

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA**

CHARLIE L. JOHNSON,

Plaintiff,

vs.

**EAST BAY KIA, INC., SMART
AUTOMOTIVE GROUP, LLC, and
FIFTH THIRD BANK;**

Defendants.

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CASE NO.: 1:08-cv-00656-CG-B

STIPULATION OF DISMISSAL

COMES NOW the Plaintiff, Charlie Johnson, by and through his undersigned counsel, and hereby presents this stipulation of dismissal without prejudice of all claims of Plaintiff against the Defendant, Fifth Third Bank, each party to bear his own cost. A proposed Order is attached hereto as Exhibit A.

Executed as of the 15th day of May, 2009.

s/James D. Patterson
Attorney for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ James D. Patterson
James D. Patterson, Esq.